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Attorney for Plaintiff
PATRICIA CLAIRE BANKSTON

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

PATRICIA CLAIRE BANKSTON,

Plaintiff,

v.

PATENAUDE & FELIX, A
PROFESSIONAL CORPORATION, a
California corporation, and RAYMOND
ALCIDE PATENAUDE, individually and in
his official capacity,

Defendants.

Case No. C07-03396-JW-PVT

**MOTION FOR
SUMMARY JUDGMENT**

Date: January 14, 2008
Time: 9:00 a.m.
Judge: Honorable James Ware
Courtroom: Courtroom 8, 4th Floor
Place: 280 South First Street
San Jose, California

COMES NOW the Plaintiff, PATRICIA CLAIRE BANKSTON, by and through her attorney Fred W. Schwinn of the Consumer Law Center, Inc., and pursuant to Fed. R. Civ. P. 56 and Civil L.R. 7-2, hereby moves this Court for an Order: 1) granting summary judgment and declaration as a matter of law, that Defendants' collection letter (Exhibit "1") violates the Fair Debt Collection Practices Act (hereinafter "FDCPA"), 15 U.S.C. §§ 1692e, 1692e(10), 1692g(a)(4) and 1692g(a)(5); 2) awarding Plaintiff statutory damages in an amount not exceeding \$1,000 pursuant to 15 U.S.C. § 1692k(a)(2)(A); 3) awarding Plaintiff the costs of this action and reasonable attorneys fees pursuant to 15 U.S.C. § 1692k(a)(3); and 4) awarding Plaintiff such other and further relief as may be just and proper. In support of her Motion, Plaintiff states as follows:

1. No material issues of fact are in dispute concerning Defendants' liability, therefore, Plaintiff is entitled to summary judgment as a matter of law.

1 2. Plaintiff further refers the Court to her Memorandum of Points and
2 Authorities in Support filed simultaneously herewith.

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4 CONSUMER LAW CENTER, INC.

5 By: /s/ Fred W. Schwinn
6 Fred W. Schwinn, Esq.
7 Attorney for Plaintiff
8 PATRICIA CLAIRE BANKSTON
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